



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Connelly Containers, Inc.

File: B-227539

Date: July 14, 1987

DIGEST

General Accounting Office will not consider an allegation of collusive bidding. Such an allegation is, in the first instance, a matter to be considered by the contracting officer in the context of a responsibility determination. Should collusion be suspected in a particular case, the matter should be referred to the Attorney General, since collusion constitutes a criminal offense.

DECISION

Connelly Containers, Inc., protests the award of several contracts to supply fiberboard under General Services Administration invitation for bids (IFB) No. 2FY-EAN-A-A5014-5. Connelly alleges that five companies shared a common agent for bidding purposes, and notes that none of the five bid against each other for any line item. Connelly suggests this is evidence that there was collusive bidding between the five companies and that the award of items in the solicitation to the five named companies therefore would be contrary to the IFB's Certificate of Independent Price Determination.

We will not consider the protest.

The purpose of the Certificate of Independent Price Determination is to prevent collusive bidding. See B-K Manufacturing Co., B-218832, June 6, 1985, 85-1 C.P.D. ¶ 650. It sets forth a statement that the bidder has arrived at its price independently, has not disclosed its price to other competitors before bid opening, and has not attempted to induce another concern either to submit or not to submit a bid for the purpose of restricting competition. See Federal Acquisition Regulation (FAR), 48 C.F.R. § 52.203-2 (1985).

An allegation of collusive bidding raises, in the first instance, a matter to be considered by the contracting

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officer in the context of a responsibility determination. Crestwood Furniture Co., B-224356, June 30, 1986, 86-2 C.P.D. ¶ 22. Moreover, since collusive bidding is a criminal offense, the contracting officer, if he suspects that the challenged bidders have colluded, should refer the matter to the Attorney General. FAR, 48 C.F.R. § 3.303(a); B-K Manufacturing Co., B-218832, supra. In addition, we know of nothing that would prevent the protester itself from asking the Attorney General to review the matter. Id.

The protest is dismissed.

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for Robert M. Strong
Deputy Associate
General Counsel